

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FILED
IN CLERK'S OFFICE
2006 APR 14 P 3:20

CATALINA DAVIS

Plaintiff,

v.

CARABETTA

Defendant.

Civil Action Number 05-30122-MAP

**AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S MOTION IN OPPOSITION TO
DEFENDANT'S MOTIONS TO DISMISS, FOR COSTS AND FOR SANCTIONS**

I, Catalina Davis, on oath and under the pains and penalties of perjury do state the following in support of my Motion in Opposition to Defendant's Motions to Dismiss, for Costs and for Sanctions:

1. At 11:30 at night on February 7, 2006, I woke up to pounding on my door. It was a person giving me a paper to go to Revere, MA for a deposition. I have attached what I was given to this Affidavit as "A". I was never given or told about a check for travel to Revere.
2. I knew I couldn't go to Revere, MA because in 1998 the doctors at St. Francis Hospital told me that I should never travel to unknown areas by myself because of the brain injury that I received in a head on, hit and run accident. I have attached one page of an emergency room record from Baystate Medical Center from October 2005 which talks a little bit about my medical history as "B".
3. I went to the Social Security office after I left court on March 30, 2006 and got a 3 page document for proof that I have a major problems with my brain. I have attached those papers to this affidavit as "C".
4. On February 10, 2006, I had a psychological evaluation by Dr. Martin J. Markey, at the request of the Massachusetts Rehabilitation Commission. I have been going to Ma Rehab because the effects of the car accidents seem to be getting worse. I was attending Holyoke Community College but I stated having a lot of problems with my classes. I even had trouble finding the doctor's office here in Springfield. I blacked out part of this evaluation so I could attach it to this affidavit as "D".
5. I knew I couldn't go to Revere so I sent Attorney Carabetta a certified letter and told him I couldn't go. I attached my receipt to this affidavit as "E".

6. I also was having a lot problems with finding a lawyer to represent me in this case because I have no money to hire a lawyer. My only income is Social Security and SSI and that's all me and my daughter have to live on right now. I started talking to Attorney Greenlee because I heard that she has represented people who may have a good case but don't have a lot of money. She came to court two time for me but she didn't file an appearance. She has now agreed to represent me, even though I can't pay her fee.

7. On March 16, 2006 I was unable to attend the Scheduling Conference because I was sick at home. I was feeling so bad that I didn't even call Attorney Greenlee. I was feeling dizzy and sick to my stomach. I couldn't remember anything that I was supposed to do that day. After court, Attorney Greenlee called me and when she asked why I didn't show up all I could say was "I forgot". I know that since October 2005, my short term memory has been getting worse. I know Attorney Carabetta wants the Court to fine me because I didn't show up in court as well as to the deposition. I have no money for a fine. My medical problems are the cause of me not showing up in court and why I couldn't go to Revere.

8.. When I talked with Attorney Carabetta on the telephone on March 9, 2006, he never offered me any amount money to come to the deposition, in fact he started to argue with me and at that point I didn't want to get into any argument with him and told him I couldn't come for personal reasons. He kept interrupting our conversations and said something to someone about "...the tape". I don't know if he taped our conversation or not. He didn't want to hear what those personal reasons were. Those personal reasons are the reasons that I suffer from brain damage from the accident, I have a short term memory loss which is getting worse, and I can't go anywhere, outside Springfield, without someone driving me because I will get totally confused and won't be able to find my way around. In fact, I have been wondering why the deposition couldn't take place here in Springfield at the Carabetta offices. I think they want me away from home and really in a confused state of mind when they ask me questions. I don't think this is fair but then maybe it's not supposed to be fair.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS
FOURTEENTH DAY OF APRIL 2006

C. Davis by [Signature]
Catalina Davis, Plaintiff